

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

MILTON VERAN WILLIAMS,)
)
 Petitioner,)
)
 vs.) No. CIV-16-1064-C
)
 STATE OF OKLAHOMA,)
)
 Respondent.)

ORDER ADOPTING REPORT AND RECOMMENDATION

This action for habeas corpus relief brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Shon T. Erwin consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Erwin entered a Report and Recommendation on November 23, 2016, to which Petitioner has timely objected. The Court therefore considers the matter de novo.

Petitioner's Objection raises no issue with Judge Erwin's conclusions of law, it merely continues petitioner's attempt to classify his habeas pleading as an invocation of 28 U.S.C. § 2241, rather than § 2254. However, for the reasons set out in the Report and Recommendation, Petitioner remains unsuccessful. He is clearly challenging his conviction and this is therefore a second and successive § 2254 petition.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation (Dkt. No. 10) of the Magistrate Judge, and for the reasons announced therein, this petition for

habeas corpus relief is dismissed. As no amendment can cure the defect, this dismissal acts as an adjudication on the merits, and a judgment will enter.

IT IS SO ORDERED this 9th day of December, 2016.



ROBIN J. CAUTHRON
United States District Judge